

JAMES FRANCHER.

[To accompany bill H. R. No. 159.]

MARCH 5, 1840.

Mr. ANDREWS, from the Committee on Revolutionary Pensions, made the following

REPORT:

The Committee on Revolutionary Pensions, to whom the petition of James Francher was referred, concur in the annexed report, made 2d session 25th Congress, and report a bill.

JANUARY 4, 1838.

The Committee on Revolutionary Pensions, to whom was referred the resolution of the House instructing them to inquire into the expediency of placing James Francher, of Tennessee, on the pension-roll, ask leave to report:

The petitioner has made several applications to the War Department for a pension under the law of 1832, and has exhibited, at every application, additional proof of his service in the revolutionary war.

In the autumn of 1832 the applicant's claim was suspended, for the want of sufficient evidence to sustain it. He then alleged that, on the 19th December, 1777, he enlisted into Captain David Waggoner's company of United States troops, and was shortly afterwards transferred to a company commanded by Captain William Morgan; that he was marched from Virginia to Guilford court-house, North Carolina, where he was attached to Captain Thomas Bowyer's company. He further stated that he was in the battle of Guilford, and was wounded in the knee, and, being unable to continue in the service, received a furlough from his captain, which, within twelve months previous to his application, he had lost: that said furlough was without date. He claimed to have enlisted for three years, and actually served two years and three months. This application was verified by his own oath, and certified by the judge of the circuit court of Overton county, Tennessee, in his opinion to be worthy of credence.

On the 4th day of February, 1834, this declaration was amended, and a paper presented to the department which was asserted to be the furlough referred to in the previous application; a copy of which your committee refer to, and make a part of this report. To this amended declaration were attached the formal answers of the petitioner to the usual questions propounded by the instructions of the War Department, and the statements

of two clergymen as to the veracity of the applicant, and their belief of his claims to a pension. The affidavits of Arthur Hagan and Thomas Flynn also accompanied the application, by which the age of the petitioner was proved, and his enlistment into the army under Captain Waggoner. One of the deponents swore that he paid the bounty to the petitioner at the time, as he was the recruiting officer, under Captain Waggoner's direction. The other witness proved that he saw him mustered into the service.

To this application the Commissioner of Pensions replied that it could not be granted, for the reasons contained in his letter, a copy of which is made a part of this report; and, on an appeal taken to the Secretary of War, his decision was sustained, for the causes set forth by Mr. Cass, as will appear on reference to his letter, a copy of which is also made a part of this report.

During the 2d session of the 24th Congress, additional proof was furnished to the Commissioner of Pensions, who still refuses to admit the claim. This proof is contained in the depositions of Richard Shadduck and William Bowen, who state that they served with the petitioner; and one of them was his messmate, and fought with him at the battle of Guilford. From this testimony, if the witnesses are credible, (and there is no proof to the contrary,) it is clear that the petitioner served one year at least in the war of the revolution, and for such term is entitled to a pension.

Your committee have carefully examined the "furlough," which is regarded at the Pension Office as fictitious, and, giving all the weight to the suspicions it may naturally excite, cannot conclude that the petitioner is thereby debarred from a pension, if he should establish his claim by other and disinterested testimony. On reference to the application of the petitioner, and the statements of the Hon. Mr. Forester and Mr. Huntsman, of Tennessee, your committee are not disposed to believe that the applicant was aware that any imposition was practised, or intended to be practised, on the department. If any such step was taken, they would impute it rather to the agent who drew up the declaration, than to the old soldier, whose simple narrative is confirmed by other and unimpeached testimony. That he has thus established it, your committee would refer to the testimony, copies of which are made a part of this report.

They, therefore, are of opinion that the petitioner is entitled to a pension, under the law of 1832, for his services in the war of the revolution for one year, and report a bill therefor.

WAR DEPARTMENT, *December 24, 1834.*

SIR: Agreeably to your request, I have looked into the case of James Francher. Placing out of view the discharge produced by him, the evidence of service is too indeterminate in its character to enable the department to grant him a pension. The term of service is not shown with sufficient precision. If it were, and by credible testimony, the discharge would not, in my mind, offer a bar to the allowance of his claim.

Very respectfully, your most obedient servant,

LEWIS CASS.

Hon. J. B. FORESTER,

House of Representatives.

HOUSE OF REPRESENTATIVES,

January 11, 1837.

SIR: I have been acquainted with James Francher a few years only. From the information I have received from his neighbors, I have no doubt he is a man of good character. I have no doubt he was imposed on by the person who drew his declaration for a pension, and that he intended no fraud on the Government; his character forbids the idea. I have seen the scars on his [knee,] produced, as it is said, by gun-shot, in the service. I believe, from inspection, the wound was produced by gun-shot.

I know not who drew his declaration; but I am informed that about that time several individuals in that section were engaged in making fraudulent papers for persons. Whether this is one or not, I know not; but I think it must have been, and in that way he was imposed on.

JOHN B. FORESTER.

Hon. Mr. STORER.

REPORT:

HALL OF REPRESENTATIVES,

January 10, 1837.

DEAR SIR: I have been acquainted, intimately, with James Francher, of Overton county, Tennessee, for about twenty-five years; twelve of which he lived within four miles of my place of residence. He has been always esteemed as an honest man, and his veracity has never been questioned, so far as I ever heard. I should give him implicit credit upon his oath upon any occasion.

Very respectfully, &c.

ADAM HUNTSMAN.

Hon. B. STORER.

to be found with the investigation of the House of Representatives. I have been acquainted with James Francher a few years only. From the information I have received from his neighbors I have no doubt he is a man of good character. I have no doubt he was imposed on by the person who drew his declaration for a pension, and that he intended no harm on the Government; his character forbids the idea. I have seen the statement on his [line] produced as it is said by your sheet in the service. I believe from inspection the wound was produced by gunshot. I do not know who drew his declaration, but I am informed that about that time several individuals in that section were engaged in making fraudulent pensions for persons. Whether this is one or not I know not, but I think it must have been, and in that way he was imposed on.

JOHN B. MONESTER

Hon. Mr. Storers, Sir: I have been acquainted with James Francher, of Overton county, Tennessee, for about twenty-five years; twelve of which he lived within four miles of my place of residence. He has been always esteemed as an honest man, and his veracity has never been questioned so far as I ever heard. I should give him implicit credit upon his oath upon any occasion.

ADAM HUNTSMAN

Very respectfully, &c.

ADAM HUNTSMAN

Hon. B. Storers

Wm. D. Stewart, December 24, 1834.

Sir: I have looked into the case of James Francher. Having the view of the discharge produced by him, the evidence in relation to it is so circumstantial as to render it difficult to form a judgment. The fact is, however, that he is a man of good character, and his veracity has never been questioned so far as I ever heard. I should give him implicit credit upon his oath upon any occasion.

LEWIS CASS

Hon. J. B. Monester

Washington, D.C.